CMPMO No. 259 of 2006.

25.9.2006 **Present:** **Ms. Bhavana Datta, Advocate, for the petitioner.**

Mr. Shrawan Dogra, Advocate, for the respondent.

A perusal of the impugned judgment dated 13th June, 2006 passed by the learned District Judge, Shimla, while disposing of the appeal of the petitioner filed under Section 253(2) of the H.P. Municipal Corporation Act, 1994 clearly reveals, beyond any doubt whatsoever, that upon the property taken on lease by the petitioner from the Wakf Board, construction was raised by the petitioner without obtaining any approval of any building plan from the Corporation. Actually, at an earlier stage in this matter, the Corporation had also passed an order of demolition of this unauthorized construction, but the earlier appeal taken out by the petitioner before the learned District Judge had resulted in the matter being remanded for consideration afresh and unfortunately during the stage of the remand proceedings petitioner, perhaps being encouraged, had raised further, additional unauthorized construction. The petitioner has not been able to establish or prove that he had obtained any sanction from the Corporation at any stage for raising the construction in question.

No interference is called for. The petition is dismissed.

CMP No. 521 of 2006.

In view of the dismissal of the main petition, this application does not survive and the same is dismissed.

September 25, 2006. **(V.K. Gupta),**
(rc) **Chief Justice.**